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MICHAEL A. CARDODOZ
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

BROOKE BIRNBAUM
Assistant Corporation Counsel
(212) 676-1347
(212) 788-9776 (fax)
bbimbau@law.nyc.gov

January 15, 2008

BY HAND

Honorable Sidney H. Stein
United States District Judge
United States Courthouse, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Federico and Daniel Cainas v. The City of New York et al
07-cv-11401 (SHS)(FM)

Your Honor:

As the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to defend the above-referenced matter, I write to respectfully request that the Court grant defendant City of New York¹ a sixty (60) day enlargement of time to and including March 17, 2008 in which to respond to the complaint.² If Your Honor is so inclined as to grant this request, defendant also respectfully requests that the initial conference currently scheduled for February 8, 2008 be adjourned to a date and at a time convenient for the Court after issue has been joined. Plaintiffs' counsel, Mr. Steve Hoffner, consents to these requests.

Plaintiffs bring this action pursuant to 42 U.S.C. §1983 alleging, *inter alia* that on October 4, 2006, they were falsely arrested by members of the New York City Police Department. According to plaintiffs' complaint, plaintiff Federico Cainas alleges that he was detained for approximately five to seven hours, issued a summons, and released. Plaintiff Daniel Cainas alleges that he was detained for approximately twenty-four hours and was released at arraignment. Plaintiffs' complaint further alleges that all charges against both of them were

¹ Upon information and belief, the individual identified in the caption of the complaint as "Christopher Buckley" has not been served with a copy of the summons and complaint. Without appearing on his behalf, it is respectfully requested that, in the event he was served, the same extension be granted to him in order to ensure that his defenses are not jeopardized while representation issues are being decided.

² Defendant respectfully apologizes to the Court and plaintiff for the tardiness of this application. The undersigned was just assigned to handle this matter.

eventually dismissed. Based on the foregoing, it is necessary for defendant City of New York to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiffs for execution, a consent and authorization for the release of records sealed pursuant to New York Criminal Procedure Law § 160.50 and a release for plaintiffs' medical records. Defendant cannot obtain these records without plaintiffs' authorization, and without the records, defendant cannot properly assess this case or respond to the complaint.

No previous request for an enlargement of time has been made. Accordingly, it is respectfully requested that defendants' time to respond to the complaint be extended to and including March 17, 2008. If Your Honor is so inclined as to grant this request, defendant also respectfully requests that the initial conference currently scheduled for February 8, 2008 be adjourned to a date and at a time convenient for the Court after issue has been joined. *is adjourned to March 28, 2008, at 10:30 a.m.*

I thank Your Honor for considering the within requests.

Respectfully submitted,

Brooke R.

Brooke Birnbaum (BB 8338)
Assistant Corporation Counsel

cc: Mr. Steve Hoffner, Esq. (By Fax)

SO ORDERED 1/17/08
S. H. Stein
SIDNEY H. STEIN
U.S.D.J.